

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
U.S. Department of Health and Human Services)	WC Docket No. 07-271
Substance Abuse and Mental Health Services)	
Administration Petition for Permanent)	
Reassignment of Three Toll Free Suicide)	
Prevention Hotline Numbers)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155

ORDER

Adopted: March 28, 2012

Released: March 28, 2012

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. The Substance Abuse and Mental Health Services Administration (SAMHSA) and the Kristin Brooks Hope Center (KBHC) (the Parties) have filed a Joint Petition asking the Commission to permanently assign three toll free telephone numbers, 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE) to SAMHSA.¹ For the reasons set forth below, we grant the request of SAMHSA and KBHC.

II. BACKGROUND

2. KBHC began operating toll free suicide prevention hotlines in 1998. On August 25, 2006, Michael D. Leavitt, then-Secretary of HHS, wrote to then-FCC Chairman Kevin Martin requesting that 1-800-SUICIDE, along with other toll free suicide prevention hotline numbers, be reassigned to SAMHSA.² The Wireline Competition Bureau (Bureau) temporarily reassigned three of the five

¹ See Joint Petition of the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration and the Kristin Brooks Hope Center, CC Docket No. 95-155, WC Docket No. 07-271 (filed Feb. 24, 2012) (Joint Petition). KBHC is a private, non-profit organization and SAMHSA is a component of the U.S. Department of Health and Human Services (HHS); *see also* Letter from Steven A. Augustino, Counsel for KBHC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-271 (filed Feb. 24, 2012) (informing the Commission that the Parties had reached a settlement resolving all issues between them).

² See Letter from Michael O. Leavitt, Secretary, United States Department of Health and Human Services, to Kevin J. Martin, Chairman, FCC, CC Docket No. 95-155 at 2 (filed Aug. 25, 2006) (requesting a temporary assignment); *see also* Letter from Eric B. Broderick, D.D.S., M.P.H., Acting Deputy Administrator and Assistant Surgeon General, United States Department of Health and Human Services, to Kevin J. Martin, Chairman, FCC, CC Docket No. 95-155 at 2 (filed Dec. 12, 2006) (requesting a permanent reassignment).

requested toll free numbers, including the most utilized number, 1-800-SUICIDE, to SAMHSA for a period of one year.³

3. On November 20, 2007, SAMHSA filed another request for permanent reassignment of the three toll free hotline numbers.⁴ The Bureau extended the temporary reassignment of the numbers several times while it updated the record and considered SAMHSA's request for permanent reassignment.⁵ On October 14, 2009, the Commission granted SAMHSA's request to permanently reassign the three suicide prevention hotline numbers from KBHC to SAMHSA.⁶ KBHC appealed the Commission's decision to the U.S. Court of Appeals for the D.C. Circuit.

4. On December 3, 2010, the D.C. Circuit vacated and remanded the Commission's Order permanently assigning the three toll free numbers from KBHC to SAMHSA.⁷ The Bureau subsequently sought comment on issues raised in the *D.C. Circuit Remand*, and both KBHC and SAMHSA responded.⁸ During this ongoing proceeding, the Bureau temporarily assigned the three suicide prevention hotline numbers to SAMHSA.⁹ On February 24, 2012, KBHC and SAMHSA filed a joint petition requesting that

³ See *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 22 FCC Rcd 651, para. 1 (Wireline Comp. Bur. 2007). For a more complete history of this proceeding, see *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Petition for the Permanent Reassignment of Three Toll-Free Suicide Prevention Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC 95-155, Order and Request for Comment, 26 FCC Rcd 327, 327-29, paras. 1-4 (2011) (*Order and Request for Comment*).

⁴ See *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, at 4, 11 (filed Nov. 20, 2007); see also *Pleading Cycle Established for Comments on the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Petition for the Permanent Reassignment of Three Toll-Free Suicide Prevention Numbers*, Public Notice, WC Docket No. 07-271, 22 FCC Rcd 20575 (Wireline Comp. Bur. 2007).

⁵ See *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 22 FCC Rcd 21573 (Wireline Comp. Bur. 2007) (extension until Apr. 21, 2008); see also *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 23 FCC Rcd 6623 (Wireline Comp. Bur. 2008) (extension until July 17, 2008); *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 23 FCC Rcd 11015 (Wireline Comp. Bur. 2008) (extension until Nov. 14, 2008); *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 23 FCC 16659 (Wireline Comp. Bur. 2008) (extension until May 14, 2009); *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 24 FCC 5638 (Wireline Comp. Bur. 2009) (extension until Aug. 14, 2009); see also *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 24 FCC Rcd 10708 (Wireline Comp. Bur. 2009) (extension until Oct. 14, 2009).

⁶ *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration's Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Memorandum Opinion and Order and Order on Review, 24 FCC Rcd 13022, 13022-23, paras. 1-2 (2009).

⁷ *Kristin Brooks Hope Center v. FCC*, 626 F.3d 586 (D.C. Cir. 2010) (*D.C. Circuit Remand*).

⁸ *Order and Request for Comment*, 26 FCC Rcd at 329-30, paras. 6-7; see also Comments of the Kristin Brooks Hope Center, WC Docket No. 07-271, CC Docket No. 95-155 (filed Feb. 28, 2011); see also Reply Comments of the Kristin Brooks Hope Center, WC Docket No. 07-271, CC Docket No. 95-155 (filed Mar. 7, 2011); Comments of U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, WC Docket No. 07-271, CC Docket No. 95-155 (filed Feb. 28, 2011); Reply Comments of U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, WC Docket No. 07-271, CC Docket No. 95-155 (filed Mar. 7, 2011) (SAMHSA Reply Comments).

⁹ The Bureau extended this temporary reassignment several times. See *Order and Request for Comment*, 26 FCC Rcd at 332, para. 17 (temporarily reassigning the numbers to SAMHSA until June 1, 2011); see also *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll*

(continued....)

the Commission grant SAMHSA's November 20, 2007 petition and permanently reassign the three suicide prevention hotline numbers to SAMHSA.¹⁰

III. DISCUSSION

5. The Bureau finds that good cause exists to grant the Parties' Joint Petition to assign to SAMHSA 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE). Under the Communications Act, the Commission has exclusive jurisdiction to administer numbering resources,¹¹ as well as a statutory mandate to promote the safety of life and property.¹² The Commission has delegated to the Bureau numbering administration activities.¹³ The Commission has long recognized that toll free numbers are a scarce public resource and are not the property of the individual entities to whom they are assigned.¹⁴ The Commission's rules make plain that the assignment of toll free numbers is subject to the Commission's direction.¹⁵

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Free Service Access Codes, CC Docket No. 95-155, Order, 26 FCC Rcd 1395, 96, para. 3 (Wireline Comp. Bur. 2011) (extending the temporary reassignment until June 15, 2011); *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 26 FCC Rcd 8454, 55, para. 3 (Wireline Comp. Bur. 2011) (extending the temporary reassignment until Sept. 12, 2011); *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 26 FCC Rcd 12735, 37, para. 3 (Wireline Comp. Bur. 2011) (extending the temporary reassignment until Nov. 14, 2011); *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 26 FCC Rcd, 15679, 80, para 3 (Wireline Comp. Bur. 2011) (extending the temporary reassignment until Dec. 30, 2011); *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, DA 11-2070 (rel. Dec. 23, 2011) (extending the temporary reassignment until Feb. 28, 2012). *U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration Petition for the Permanent Reassignment of Three Toll Free Suicide Prevention Hotline Numbers*, WC Docket No. 07-271, *Toll Free Service Access Codes*, CC Docket No. 95-155, Order, DA 12-291 (rel. Feb. 27, 2012) (extending the temporary reassignment until Apr. 16, 2012).

¹⁰ Joint Petition at 1. In their petition, the Parties state that they "have reached an agreement to settle any and all remaining disputes and to resolve all outstanding claims between them and to compensate KBHC for the reasonable costs of relinquishing the suicide prevention hotlines." *Id.* at 2.

¹¹ 47 U.S.C. § 251(e)(1).

¹² 47 U.S.C. § 151.

¹³ 47 U.S.C. § 155(c); *see also* 47 C.F.R. §§ 0.91 and 0.291.

¹⁴ *See Toll Free Service Access Codes*, Fourth Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 9058, 9061, para. 6, n.14 (1998); *see also Toll Free Service Access Codes*, Notice of Proposed Rulemaking, 10 FCC Rcd 13692, 13702, para. 36 (1995); *Administration of the North American Numbering Plan*, Report and Order, 11 FCC Rcd 2588, 2591, para. 4 (1995). Consistent with the Commission's decisions, federal courts have made clear that no person or entity can have a property interest in a telephone number. *See, e.g., In re StarNet, Inc.*, 355 F.3d 634, 637 (7th Cir. 2004) ("No one has a property interest in a phone number.").

¹⁵ 47 C.F.R. § 52.111 ("Toll free numbers shall be made available on a first-come, first-served basis unless otherwise directed by the Commission.").

6. We find that continued assignment to SAMHSA of the three toll free suicide prevention numbers at issue, without time limitations as were imposed under the temporary reassignments, will serve the strong public interest in suicide prevention.¹⁶ SAMHSA is well-equipped to operate the numbers as suicide prevention hotlines. Since 2007, SAMHSA has operated the three suicide hotlines without incident. In addition, SAMSHA has provided information regarding the integration of these numbers into the National Suicide Prevention Lifeline Network, as well as information about numerous system and program upgrades.¹⁷ SAMHSA asserts that it will continue to use these toll free numbers as suicide prevention hotline numbers available to the public as part of that network.¹⁸ As such, these numbers will continue to benefit the general public and veterans of the United States. To ensure that these numbers are always available for suicide prevention, we condition our grant on SAMHSA's continued use of the numbers exclusively for this purpose.¹⁹

7. Based on these compelling public interest considerations, we therefore direct the toll-free database administrator, Database Service Management, Inc., to continue the assignment of the toll free numbers 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE) to SAMHSA.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i), and 251(e), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251(e), and section 52.111 of the Commission's rules, 47 C.F.R. § 52.111, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291,²⁰ the Joint Petition of SAMHSA and KBHC IS GRANTED and the toll free numbers 1-800-784-2433 (1-800-SUICIDE), 1-877-784-2432 (1-877-SUICIDA), and 1-888-784-2433 (1-888-SUICIDE) ARE ASSIGNED to SAMHSA.

¹⁶ Joint Petition at 3 ("Permanent assignment or permanent reassignment to SAMHSA will further the overwhelming public interest in suicide prevention."). We interpret the reference to "permanent assignment" or "permanent reassignment" to mean only that the assignment to SAMHSA is not subject to a time limitation, as noted above. This action does not contravene the Commission's policy that a telephone number, including a toll free number, is a public resource that no one — carrier, subscriber, or any other person or private entity — owns. *See supra* note 14. Likewise, under generally-applicable rules, if SAMHSA ceases using the numbers, they will be returned to the spare number pool. *See, e.g., Telecommunications Relay Services and Speech-To-Speech Services For Individuals With Hearing and Speech Disabilities; E911 Requirements For IP-Enabled Service Providers; Internet-Based Telecommunications Relay Service Numbering*, CG Docket No. 03-123, WC Docket Nos. 05-196, 10-191, Report and Order, 26 FCC Rcd 11779, 11789, para. 24 (2011); 47 C.F.R. § 52.111.

¹⁷ *See, e.g.*, SAMHSA Reply Comments at 5-6.

¹⁸ Joint Petition at 3 ("These suicide prevention hotline numbers will continue to be operated as hotlines by SAMHSA, and available to the public as part of the National Suicide Prevention Lifeline network supported by SAMHSA.").

¹⁹ Our decision in this matter is consistent with the Bureau's 2006 decision to grant the unopposed request of the American Red Cross to permanently assign 1-800-RED-CROSS and 1-888-RED-CROSS to that organization. *See Toll Free Service Access Codes*, CC Docket No. 95-155, Order, 21 FCC Rcd 9925, 9926, para. 3, n.10 (Wireline Comp. Bur. 2006) (explaining the agreement between the American Red Cross and 800Ideas).

²⁰ *See* 47 U.S.C. § 155(c).

9. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 251(e) and 408 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 251(e) and 408, and section 1.102 of the Commission's rules, 47 C.F.R. § 1.102, and pursuant to authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.29, that this action IS EFFECTIVE UPON RELEASE.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
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